

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:)
T. Gordon McMahon et al.) Confirmation No.: 1056
Application No.: 10/588,840) Group Art Unit: To Be Assigned
International Application No. PCT/US05/J04518)
Filed: August 8, 2006) Examiner: To Be Assigned
For: PLANT NUTRIENT REDUCTION) Date: January 25, 2008
SYSTEM)

RENEWED PETITION UNDER 37 C.F.R. § 1.47(a)

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attention: Office of PCT Legal Administration

Sir:

This Renewed Petition is submitted pursuant to 37 C.F.R. §1.47(a) following the Decision mailed October 26, 2007, which issued a Dismissal Without Prejudice of the Petition submitted on September 18, 2007. This forms a portion of Applicants' previously filed response to the Notification of Missing Requirements dated April 5, 2007. A Request for a one-month Extension of Time and an Application Data Sheet are submitted herewith. Applicants respectfully petition that the U.S. Patent and Trademark Office to reconsider the subject application in light of the present papers.

The Examiner stated, on page 3 of the Decision, that a proper response must include an acceptable declaration executed by all the inventors and an explanation as to the discrepancy in the naming of inventor McMahon.

At the outset, Applicants thank the PCT Legal Examiner for the careful attention to detail. On page 3 of the Decision, the Examiner noted that the Declaration lists the name "T. Gordon McMahon" although the international application lists the inventors name "Gordon T. McMahon." The Transmittal Letter submitted originally with the instant application did misspell Inventor McMahon's name. According to 37 CFR § 1.76(d)(3) which relates to oath or declaration filed under 35 U.S.C. § 317(c)(4), the oath or declaration governs inconsistencies with the application data sheet in the naming of inventors. Hence, the name

on the Declaration should be accepted regardless of the transmittal letter. Moreover, Applicants submit herewith an Application Data Sheet under 37 C.F.R. § 1.76 with the correct spelling of Inventor McMahon's name. Applicants also note that the Assignment executed and filed with the USPTO, as Confirmed on September 20, 2007, does reflect the correct spelling of Inventor McMahon's name. Hence, the Applicants respectfully request that the Examiner find the Declaration acceptable.

Since the mailing of the Decision, renewed efforts were made to locate Mr. Porter. He has reviewed a complete copy of the application, and recently Mr. Porter executed the Declaration filed herewith. Hence, Applicants respectfully suggest that the Missing Requirements have now been supplied.

The Commissioner is hereby authorized to charge the requisite fee pursuant to 37 C.F.R. § 1.17(g) for this Petition and any additional fees required for this Petition to Nixon Peabody LLP Deposit Account No. 19-2380. Accordingly, all of the requirements for this Petition under 37 C.F.R. § 1.47(a) have been satisfied and the grant of this Petition is respectfully requested.

Respectfully submitted,

NIXON PEABODY LLP

Date: January 25, 2008

By: /Jeffrey A. Lindeman, Reg. No. 34,658/
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